

**DECLARATION**

As a below named inventor, I declare that:

My residence, post office address and citizenship are as stated below next to my name; I believe I am the original, first and sole inventor (if only one name is listed below) or an original, first and joint inventor (if plural inventors are named below) of the subject matter which is claimed and for which a patent is sought on the invention entitled: DUAL DRUG DOSAGE FORMS WITH IMPROVED SEPARATION OF DRUGS the specification of which ____ is attached hereto or X was filed on July 18, 2003 as Application No. 10/623,481 and was amended on _____ (if applicable).

I have reviewed and understand the contents of the above identified specification, including the claims, as amended by any amendment referred to above. I acknowledge the duty to disclose information which is material to patentability as defined in Title 37, Code of Federal Regulations, Section 1.56. I claim foreign priority benefits under Title 35, United States Code, Section 119 of any foreign application(s) for patent or inventor's certificate listed below and have also identified below any foreign application for patent or inventor's certificate having a filing date before that of the application on which priority is claimed.

Prior Foreign Application(s)

Country	Application No.	Date of Filing	Priority Claimed Under 35 USC 119

I hereby claim the benefit under Title 35, United States Code § 119(e) of any United States provisional application(s) listed below:

Application No.	Filing Date

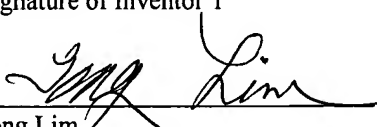
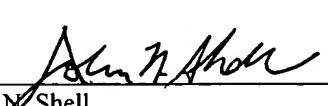
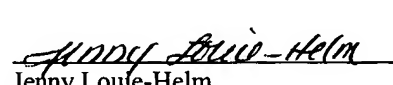
I claim the benefit under Title 35, United States Code, Section 120 of any United States application(s) listed below and, insofar as the subject matter of each of the claims of this application is not disclosed in the prior United States application in the manner provided by the first paragraph of Title 35, United States Code, Section 112, I acknowledge the duty to disclose material information as defined in Title 37, Code of Federal Regulations, Section 1.56 which occurred between the filing date of the prior application and the national or PCT international filing date of this application:

Application No.	Date of Filing	Status

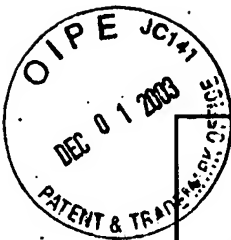
Full Name of Inventor 1:	Last Name: LIM	First Name: JONG	Middle Name or Initial:	
Residence & Citizenship:	City: San Jose	State/Foreign Country: California	Country of Citizenship: United States	
Post Office Address:	Post Office Address: 1053 Bentoak Lane	City: San Jose	State/Country: California	Postal Code: 95129
Full Name of Inventor 2:	Last Name: SHELL	First Name: JOHN	Middle Name or Initial: N.	
Residence & Citizenship:	City: Roseville	State/Foreign Country: California	Country of Citizenship: United States	
Post Office Address:	Post Office Address: 449 Venezian Court	City: Roseville	State/Country: California	Postal Code: 95661

Full Name of Inventor 3:	Last Name: LOUIE-HELM	First Name: JENNY	Middle Name or Initial:	
Residence & Citizenship:	City: Union City	State/Foreign Country: California	Country of Citizenship: United States	
Post Office Address:	Post Office Address: 30580 Mallorca Way	City: Union City	State/Country: California	Postal Code: 94587

I further declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code, and that such willful false statements may jeopardize the validity of the application or any patent issuing thereon.

Signature of Inventor 1  Jong Lim Date <u>10/13/03</u>	Signature of Inventor 2  John M. Shell Date <u>10/13/03</u>	Signature of Inventor 3  Jenny Louie-Helm Date <u>10/13/03</u>
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60019987 v1



PTO/SB/81 (06-03)

POWER OF ATTORNEY OR AUTHORIZATION OF AGENT	Application Number	10/623,481
	Filing Date	July 18, 2003
	First Named Inventor	Lim, Jong
	Title	DUAL DRUG DOSAGE FORMS WITH IMPROVED SEPARATION OF DRUGS
	Art Unit	
	Examiner Name	
	Attorney Docket Number	015662-002100US

I hereby appoint:

☒ Practitioners at Customer Number

20350

OR

☐ Practitioner(s) named below:

Name	Registration Number

as my/our attorney(s) or agent(s) to prosecute the application identified above, and to transact all business in the United States Patent and Trademark Office connected therewith.

Please recognize or change the correspondence address for the above-identified application to:

☐ The above-mentioned Customer Number.

OR

☐ Practitioners at Customer Number

<input type="checkbox"/> Firm or Individual Name					
Address					
Address					
City		State		ZIP	
Country					
Telephone		Fax			

I am the:

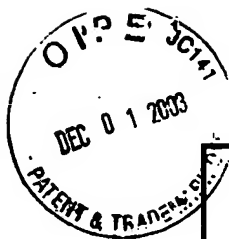
☐ Applicant/Inventor.☒ Assignee of record of the entire interest. See 37 CFR 3.71.
Statement under 37 CFR 3.73(b) is enclosed. (Form PTO/SB/96).**SIGNATURE of Applicant or Assignee of Record**

Name	Bret Berner		
Signature			
Date	10-14-03	Telephone	600-462-5901

NOTE: Signatures of all the inventors or assignees of record of the entire interest or their representative(s) are required. Submit multiple forms if more than one signature is required, see below*.

☒ *Total of 1 forms are submitted.

This collection of information is required by 37 CFR 1.31 and 1.33. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 3 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.



STATEMENT UNDER 37 CFR 3.73(b)

Applicant/Patent Owner: Jong Lim, John N. Shell and Jenny Louie-Helm

Application No./Patent No.: 10/623,481

Filed/Issue Date: July 18, 2003

Entitled: DUAL DRUG DOSAGE FORMS WITH IMPROVED SEPARATION OF DRUGS

DepoMed, Inc., a corporation

(Name of Assignee)

(Type of Assignee, e.g., corporation, partnership, university, government agency, etc.)

states that it is:

1. ☒ the assignee of the entire right, title, and interest; or
2. ☐ an assignee of less than the entire right, title and interest.
The extent (by, percentage) of its ownership interest is _____%

in the patent application/patent identified above by virtue of either:

- A. ☒ An assignment from the inventor(s) of the patent application/patent identified above. The assignment was recorded in the United States Patent and Trademark Office at Reel _____, Frame _____, or for which a copy thereof is attached.

OR

- B. ☐ A chain of title from the inventor(s), of the patent application/patent identified above, to the current assignee as shown below:

1. From: _____ To : _____
The document was recorded in the United States Patent and Trademark Office at
Reel _____, Frame _____, or for which a copy thereof is attached.

2. From: _____ To : _____
The document was recorded in the United States Patent and Trademark Office at
Reel _____, Frame _____, or for which a copy thereof is attached.

3. From: _____ To : _____
The document was recorded in the United States Patent and Trademark Office at
Reel _____, Frame _____, or for which a copy thereof is attached.

☐ Additional documents in the chain of title are listed on a supplemental sheet.

☐ Copies of assignments or other documents in the chain of title are attached.

[NOTE: A separate copy (i.e., the original assignment document or a true copy of the original document) must be submitted to Assignment Division in accordance with 37 CFR Part 3, if the assignment is to be recorded in the records of the USPTO. See MPEP 302.8]

The undersigned (whose title is supplied below) is authorized to act on behalf of the assignee.

10-14-03
Date
608-962-5906
Telephone number

Bret Berner
Typed or printed name
[Signature]
Signature
Vice President
Title

This collection of information is required by 37 CFR 3.73(b). The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 12 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

If you need assistance in completing the form, call 1-800-PTO-9199 (1-800-786-9199) and select option 2.

ASSIGNMENT OF PATENT APPLICATION

JOINT

WHEREAS, **Jong Lim** of 1053 Bentoak Lane, San Jose, CA 95129; **John N. Shell** of 449 Venezian Court, Roseville, CA 95661; and **Jenny Louie-Helm** of 30580 Mallorca Way, Union City, CA 94587 hereinafter referred to as "Assignors," are the inventors of the invention described and set forth in the below-identified application for United States Letters Patent:

Title of Invention: DUAL DRUG DOSAGE FORMS WITH IMPROVED SEPARATION OF DRUGS

Date(s) of execution of Declaration: 10/13/03

Filing Date: July 18, 2003

Application No.: 10/623,481; and

WHEREAS, **DepoMed, Inc.**, a corporation of the state of California, located at 1360 O'Brien Drive, Menlo Park, CA, 94025-1436, hereinafter referred to as "ASSIGNEE," is desirous of acquiring an interest in the invention and application and in any U.S. Letters Patent and Registrations which may be granted on the same;

For good and valuable consideration, receipt of which is hereby acknowledged by Assignors, Assignors have assigned, and by these presents do assign to Assignee all right, title and interest in and to the invention and application and to all foreign counterparts (including patent, utility model and industrial designs), and in and to any Letters Patent and Registrations which may hereafter be granted on the same in the United States and all countries throughout the world, and to claim the priority from the application as provided by the Paris Convention. The right, title and interest is to be held and enjoyed by Assignee and Assignee's successors and assigns as fully and exclusively as it would have been held and enjoyed by Assignors had this Assignment not been made, for the full term of any Letters Patent and Registrations which may be granted thereon, or of any division, renewal, continuation in whole or in part, substitution, conversion, reissue, prolongation or extension thereof.

Assignors further agree that they will, without charge to Assignee, but at Assignee's expense, (a) cooperate with Assignee in the prosecution of U.S. Patent applications and foreign counterparts on the invention and any improvements, (b) execute, verify, acknowledge and deliver all such further papers, including patent applications and instruments of transfer, and (c) perform such other acts as Assignee lawfully may request to obtain or maintain Letters Patent and Registrations for the invention and improvements in any and all countries, and to vest title thereto in Assignee, or Assignee's successors and assigns.

Assignors hereby authorize and request Townsend and Townsend and Crew LLP, Two Embarcadero Center, 8th Floor, San Francisco, CA 94111-3834, to insert herein above the application number and filing date of said application when known.

COPY

Has for recordation

IN TESTIMONY WHEREOF, Assignors have signed their names on the dates indicated.

Dated: 10/13/03

Jong Lim
Jong Lim

STATE OF CALIFORNIA
COUNTY OF SAN MATEO

ss.

On 10-13-03, before me, KERA ALEXANDER, personally appeared Jong Lim, personally known to me (or proved to me on the basis of satisfactory evidence) to be the person whose name is subscribed to the within instrument, and acknowledged to me that he/she executed the same in his/her authorized capacity, and that by his/her signature on the instrument the person, or the entity upon behalf of which the person acted, executed the instrument.

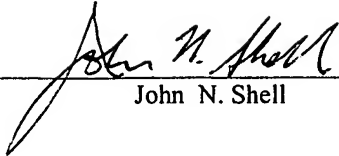
WITNESS my hand and official seal.

Kera Alexander
NOTARY PUBLIC

My Commission Expires: 10-1-05



Dated: 10/13/03



John N. Shell

STATE OF CALIFORNIA)
)
COUNTY OF SAN MATEO) SS.

On 10-13-03, before me, KERA ALEXANDER,
personally appeared John N. Shell, personally known to me (or proved to me on the basis of
satisfactory evidence) to be the person whose name is subscribed to the within instrument, and acknowledged to me
that he/she executed the same in his/her authorized capacity, and that by his/her signature on the instrument the
person, or the entity upon behalf of which the person acted, executed the instrument.

WITNESS my hand and official seal.



NOTARY PUBLIC

My Commission Expires: 10-1-05



Dated: 10/13/03

Jenny Louie-Helm
Jenny Louie-Helm

STATE OF California)
)
COUNTY OF SAN MATEO ss.

On 10-13-03, before me, KERA ALEXANDER,
personally appeared Jenny Louie-Helm, personally known to me (or proved to me on the
basis of satisfactory evidence) to be the person whose name is subscribed to the within instrument, and
acknowledged to me that he/she executed the same in his/her authorized capacity, and that by his/her signature on
the instrument the person, or the entity upon behalf of which the person acted, executed the instrument.

WITNESS my hand and official seal.

Kera Alexander
NOTARY PUBLIC

My Commission Expires: 10-1-05

